

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jason Lavet Bethune,

Case No. 21-cv-2645 (WMW/DJF)

Plaintiff,

v.

REPORT AND RECOMMENDATION

District 196, Eagan Police Department

Defendants.

Plaintiff Jason Lavet Bethune filed his Complaint in the above captioned civil action on December 08, 2021 (ECF No. 1). On January 19, 2022, the Court granted Plaintiff's application to proceed *in forma pauperis* and ordered him to complete, submit and return a Marshal Service Form (Form USM-285) for each defendant within 30 days of the date of that Order (ECF No. 8). The Court also warned that if Plaintiff failed to properly return the Marshal Service Forms within 30 days, "it would be recommended that this matter be dismissed without prejudice for failure to prosecute." *Id.* The Clerk's Office mailed copies of the Marshal Service Forms to Plaintiff on January 24, 2022 (ECF No. 9). It is now September 22, 2022—close to eight months after Plaintiff received the Marshal Service Forms. He has neither submitted the forms nor proffered a justification for his failure to do so. For these reasons, the Court recommends that this matter be dismissed without prejudice for failure to prosecute.

RECCOMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEARBY RECCOMENDED THAT** this matter be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Dated: September 22, 2022

s/ Dulce J. Foster
DULCE J. FOSTER
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).